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*Attorneys for American Federation of State, County  
and Municipal Employees, AFL-CIO*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## PEARISON WOODS,

Plaintiff,

vs.

AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO; and AMERICAN FEDERATION  
OF STATE, COUNTY AND MUNICIPAL  
EMPLOYEES LOCAL 4041,

## Defendants.

Case No: 2:23-cv-01934-RFB-DJA

**DEFENDANT AMERICAN  
FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-  
CIO'S MOTION FOR EXEMPTION  
FROM PERSONAL ATTENDANCE AT  
EARLY NEUTRAL EVALUATION  
CONFERENCE AND TO PERMIT  
VIRTUAL ATTENDANCE**

Defendant AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO (“Defendant” or “AFSCME”), by and through its attorneys at LIPSON NEILSON P.C., hereby respectfully requests an exception to the early neutral evaluation (“ENE”) personal attendance requirements as stated in the “Court’s Order Resetting Early Neutral Evaluation Session (Amends ECF No 13)” (ECF No. 23). Specifically, AFSCME requests the Honorable Court enter an order excusing personal attendance and allowing representatives for Defendants and the insurer carrier to appear telephonically or virtually (video conference) for the ENE.<sup>1</sup>

Fernando Colon, Esq, Associate General Counsel for AFSCME, is responsible for this matter on behalf of AFSCME. Mr. Colon resides in the Washington, DC area

<sup>1</sup> Notably, the parties stipulated to continue the ENE from March 28, 2024 based on calendar conflicts of counsel.

1 and he manages litigation all over the country. It would be a significant burden of time  
2 (likely 3 days) and expense (likely in excess of \$3,000) for Mr. Colon to travel to Las  
3 Vegas, Nevada for the ENE. Nevertheless, Mr. Colon has participated in many court  
4 conferences, mediations, ENEs, and settlement conferences on a virtual basis. He is  
5 fully familiar with the time and attention necessary for the ENE process. Should the  
6 Court permit his virtual attendance, Mr. Colon will be available virtually throughout the  
7 entire duration of the ENE and will participate in good faith.

8 In addition, AFSCME's insurer is Travelers Insurance. The Claim Executive  
9 assigned to this case is Ms. Patty Dail who resides on the east coast. She also has  
10 significant experience with court conferences, mediations and settlement conferences  
11 and understands the time and attention needed for the ENE process. Her husband  
12 frequently travels for work and has long been scheduled to travel the week of March 25.  
13 She has family obligations with 2 small children. It would be a significant burden of time,  
14 expense and personally if Ms. Dail were required to personally attend the ENE. She will  
15 be available virtually by telephone for the duration of the ENE, and will participate in  
16 good faith.

17 Wherefore, Defendant AFSCME respectfully requests this Court for an Order  
18 allowing its representative, Mr. Fernando Colon, Esq., and its carrier, represented by  
19 Ms. Patty Dail, to appear telephonically or by virtually for the early neutral evaluation.

20 DATED this 11<sup>th</sup> day of March, 2024.

21 LIPSON NEILSON P.C.

22 *JP Garin*

23 By:

24 \_\_\_\_\_  
25 JOSEPH P. GARIN, ESQ.  
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Las Vegas, Nevada 89144

26 *Attorneys for American Federation of State,*  
*County and Municipal Employees, AFL-CIO*  
27

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11<sup>th</sup> day of March, 2024, service of the foregoing DEFENDANT AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO'S MOTION FOR EXEMPTION FROM ATTENDANCE AT EARLY NEUTRAL EVALUATION CONFERENCE AND TO PERMIT VIRTUAL ATTENDANCE was made upon each party in the case who is registered as an electronic case filing user pursuant to Fed. Rule Civ. P. 5(b)(3), and Local Rule 5-4, as follows:

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<p><i>Attorneys for Plaintiff</i></p>	<p><i>Attorneys for American Federation of State, County, and Municipal Employees, Local 4041</i></p>

/s/ Michele Stones  
An Employee of LIPSON NEILSON P.C.

**IT IS SO ORDERED.** No opposition filed. The motion is granted. Local counsel for defendants must appear in person. Defendants' counsel is responsible for coordinating the telephonic or virtual appearances of Fernando Colon and Patty Dail at the ENE.

Maximiliano D. Couvillier III  
United States Magistrate Judge  
Dated: 3-26-24